

REMARKS

In the Office Action mailed April 25, 2008 ("the Office Action"), claims 70-73, 75-84, and 87 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,019,165 issued to Batchelder ("Batchelder") in view of U.S. Patent Publication No. 2003/0056939 A1 to Chu et al. ("Chu"). Claim 74 was rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder in view of Chu and further in view of U.S. Patent No. 6,580,610 issued to Morris et al. ("Morris"). Claims 85, 86, and 88 was rejected under 35 U.S.C. §103(a) as being unpatentable over Batchelder in view of Chu and further in view of U.S. Patent No. 6,668,911 issued to Bingler ("Bingler"). Furthermore, claims 89-96, added by Applicant in a response (submitted on January 22, 2008) to a prior Office Action mailed August 22, 2007 ("the Prior Response"), were considered to be directed to an invention of a patentably distinct species (species II) than claims 70-88 (species I). Since Applicant received an action on the merits for claims 70-88, these claims were considered to be constructively elected, and claims 89-96 were withdrawn from consideration.

By this response, Applicant elects to pursue species I. This election is made without traverse. Applicant has amended the pending claims. These amendments include cancelling claims 90-94, and 96; withdrawing claims 89 and 95; amending claim 70; and adding claims 97-112. Applicant submits that, at least claims 70-88, and newly added claims 97-112 read on the elected species. The amended and new claims find support in the specification and drawings. Specifically, support for the amendments may be found in the previously filed claims and, among others, between pg. 14, ln. 35 and pg. 15 ln. 12; fig. 15 and; between pg. 23 ln. 24 and pg. 24, ln. 4 of the

specification. Therefore, no new matter is added. Accordingly, claims 70-88 and 97-112 are pending in this application.

Rejections under 35 U.S.C. §103(a)

Rejection of claims 70-73, 75-84, and 87

Claims 70-73, 75-84, and 87 stand rejected under 35 U.S.C. §103(a) as being obvious over Batchelder in view of Chu. Although Applicant disagrees with this rejection, at least for the reasons described in the Prior Response, claim 70 has been amended to further prosecution. Amended claim 70 recites, in part, a “pump ... including an impeller mechanically integrated with a pump rotor ... and means to detect an angular position of the pump rotor.” Batchelder and Chu, alone or in combination, do not disclose, teach, or suggest a pump that includes “means to detect an angular position of the pump rotor.”

For at least this reason, amended independent claim 70 is allowable over Batchelder in view of Chu. Claims 71-78 depend from claim 70. Therefore, these claims are also allowable over Batchelder in view of Chu at least for the same reason that claim 70 is allowable over Batchelder in view of Chu. For at least this reason, the 35 U.S.C. §103(a) rejection of claims 70-73, 75-84, and 87 should be withdrawn.

Rejection of claim 74

Claim 74 stands rejected as being unpatentable under 35 U.S.C. §103(a) as being obvious over Batchelder in view of Chu and further in view of Morris. Claim 74 depends from claim 70. Morris does not remedy the deficiencies of Batchelder and Chu discussed earlier. Therefore, claim 74 is allowable over Batchelder in view of Chu and further in view of Morris for the same reason is claim 70 is allowable over Batchelder in

view of Chu. For at least this reason, the 35 U.S.C. §103(a) rejection of claim 74 should be withdrawn.

Rejection of claims 85, 86, and 87

Claims 85, 86, and 87 stand rejected under 35 U.S.C. §103(a) as being obvious over Batchelder in view of Chu and further in view of Bingler. Claims 85, 86 and 88 depend from claim 70. Bingler does not remedy the deficiencies of Batchelder and Chu discussed above. Therefore, claims 85, 86, and 87 are allowable over Batchelder in view of Chu and further in view of Bingler for the same reason is claim 70 is allowable over Batchelder in view of Chu. For at least this reasons the 35 U.S.C. §103(a) rejection of claims 85, 86, and 88 should be withdrawn.

New claims are patentable over prior art of record

New claims 97-102 depend from claim 70. For at least the reasons set forth above, these claims are patentable over the prior art of record.

New claim 103 recites, in part, “a pump ... including an AC motor ... the AC motor being powered by a DC power supply of the computer system.” Batchelder, Chu, Morris, or Bingler, alone or in combination, do not disclose a suggest a pump with an AC motor “powered by a DC power supply of the computer system.” For at least this reason, claim 103 is patentable over the prior art of record. Claims 104-107 depend from claim 103. Therefore, these claims are also allowable over the prior art of record.

New claim 108 recites, in part, a “pump including a motor and an impeller ..., the impeller ... having a shape configured to increase an efficiency of the impeller when rotating in a predetermined rotational direction; detecting an angular position of the rotor; and starting the motor by applying a signal to the motor, a sign of the signal being

selected based on at least the detected angular position and the predetermined rotational direction.” Batchelder, Chu, Morris, or Bingler, alone or in combination, do not disclose these limitations. For at least this reason, claim 108 is patentable over the prior art of record. Claims 109-112 depend from claim 108. Therefore, these claims are also allowable over the prior art of record.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that claims 70-88 and 97-112 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and re-examination of this application and the timely allowance of the pending claims.

Applicant respectfully requests that the Examiner contact the undersigned, if he considers that the present response does not overcome the prior art of record. The undersigned can be reached at (617) 452-1675.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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/Eric P. Raciti/
By: _____
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